

THE STUDENT'S GUIDE
to
THE BAR.



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THE BAR.

BY

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TRINITY COLLEGE, CAMBRIDGE : FELLOW OF UNIVERSITY COLLEGE, LONDON.

FOURTH EDITION.

London:
MACMILLAN AND CO.
AND NEW YORK.
1887.

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First Edition, printed by Spottiswoode & Co., London, 1878.
Reprinted 1879; corrected and reprinted 1884, 1887.

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INTRODUCTION.

BEFORE writing the first edition of this book the author had been so frequently asked about the regulations for admission to the bar, and the best course of reading for it, that he believed an elementary practical work on the subject was not unneeded. The first edition was an attempt to supply that need, and the fact that a fourth edition is now called for seems to show that the belief was well founded.

The primary object in the following pages is to give the student who is thinking of choosing, or has already chosen, the bar as his profession a brief outline of what he must do in order to become a barrister, of the prizes open to him, and of the usual course of study and preparation which is adopted. They are accordingly confined to putting before the reader that information which a man would naturally seek when choosing the profession: those points on which the student has first to decide are dealt with at some length, while those which he will meet later are discussed more briefly; in fact, for the latter the student will generally have both the knowledge and experience to judge for himself.

Although all reference to those subjects which are most likely to prove attractive to the general reader (such, for example, as a history of the Inns of Court, or of legal education) has thus been omitted, the following pages may be of use to any who desire to form an accurate idea of the training for a barrister's life at present. This subject, in view of

possible legislative changes, is one of considerable interest at present. Such a reader may omit or merely glance at those parts which give at some length the technical details of a student's career, and an account of the money prizes open to him. To the general public these are necessarily tedious, but they contain information with which the student should make himself acquainted.

One object in writing the work was to collect in a condensed form the essential parts of the various regulations which affect students at the bar. Most of the rules issued by the Council of Legal Education or the separate Inns of Court, and referred to in the following chapters, are taken direct from their published regulations, and have been revised and brought down to the latest date. Every effort has been made to avoid errors in stating the effect of these regulations; but they have of late been repeatedly altered, so that it is possible a few mistakes may have crept in, or changes been made subsequently to the publication of this edition; and the student should therefore in all cases get a copy of the published rules.

It only remains to add that no greater weight is claimed for the views expressed here than as being the individual opinions of the author. They have been formed with care, but the reader must judge for himself how far they are sound in themselves, or applicable to the education of any particular student.

CHAPTER I.

THE CHOICE OF A PROFESSION.

THE choice of a profession, always a difficult matter, must be so largely determined by circumstances singular to each case that it is as impossible as it would be useless to attempt in a work like this to enter into the considerations that should determine it. It seems strange that any man should take one of the most important steps in his life, and one on which his future happiness largely depends, without duly weighing what it means beforehand. Yet, in the case of many barristers, this is so. The bar does not require so early a choice as most other occupations; and many a man wholly unfitted for it drifts into choosing it simply because the best age for commencing other pursuits has passed by.

Now the profession of a barrister has many advantages and some disadvantages peculiar to itself. Most of these are doubtless well known in the abstract, but are not generally sufficiently considered until it is too late in life to change a career without serious loss of time. It may therefore be as well to point out as briefly as possible the chief distinctive features of that profession; and if the reader has not already decided, he will do wisely to ponder the following features in the occupation of a barrister, before choosing it for his own.

Let him consider, first, those points in it which are more likely to strike him as unfavourable. *First*, then, it differs from most pursuits in that influence is all-powerful. Social position and money can neither buy a partnership in it, nor can they by any direct means procure work. Industry and talent may, indeed it is not too much to say will,¹ even although unaided, ultimately secure the necessary influence; but the young barrister, unless he be well backed, must be

¹ See the report of the Inns of Court Commission, 1854, p. 17.

prepared to wait, it may be even for several years. Hence no one without that influence should choose the bar as his profession, unless he is able to sustain himself for some years apart from his professional income, and has well considered how far he is prepared to work steadily and continuously through the years which may elapse before he obtains a start. Most men give full weight to the first of these considerations, although there are few who would go so far as Lord Abinger, who, it is said, would have refused a call to the bar to anyone who had not a private income of at least £800 a year. As to the second, it will be sufficient to say that to be ready and waiting for any considerable time for work that never comes is seriously demoralising both to character and to powers of work—a point that is rarely thought of until too late.

Second : It is a profession which involves hard and continuous work, and a successful barrister has probably less time at his own disposal than he would have in other occupations of the same standing. The bar affords unlimited leisure only to those who fail; and that leisure can only be purchased, as in all other pursuits, at the price of failure. To succeed, a man must be prepared to work as hard, take as short holidays, and go through as much drudgery as in any other career.

Third : It draws to itself in increasing numbers¹ the best talent and education in the country. Nowhere is competition keener than at the bar. The barrister must expect to find many who are at least as able and eager as himself, and possibly with more influence and aptitude for the profession.

Fourth : It must further be remembered that a barrister may perforce be idle when full of energy and desirous of work, and that it is at a time when in other professions he would begin to take things easy that he will, if successful, have to work the hardest.

Fifth : It should also be observed that there is no such

¹ In 1835 there were about 50 King's Counsel, 1,300 barristers, and 10,500 solicitors. There are at present about 200 Queen's Counsel, 7,000 barristers, and 12,000 solicitors. There are thus almost exactly five times as many barristers now as there were forty years ago. It should, however, be remembered that a large proportion of them are not actually practising their profession: probably the number of those practising in London does not exceed 3,000.

thing as leave of absence or sick leave to be obtained at the bar. A severe and long illness or protracted bad health may at any time annihilate a barrister's practice, and leave him to reacquire it again from the beginning. He must also live in the neighbourhood of London whether it suits him or not.

To these may be added a *Sixth* disadvantage in the present uncertain future of the profession. Great changes have quite recently been made in the procedure of the courts of law, and large classes of business which could formerly only be transacted by barristers have within the last thirty years been thrown open to others. It is not improbable that these are only the beginnings of far greater changes than any that have yet been made. A tendency has also of late made itself conspicuous, and is strongly encouraged in very influential quarters, to *localise* the bar. It is a doubtful question as to how these changes would affect the prospects of a young barrister in London.

Leaving, however, these, the more unfavourable features of it, it is certain that on the other hand the bar offers many advantages. Of these the most striking are that its members are, broadly speaking, all gentlemen, and include many of the most able and cultivated intellects of the time. Thus, whatever a man's tastes may be, he will find congenial society in his own profession. All the surroundings too are pleasant. The barrister is in the centre of life; his position is socially an influential one, and the whole tone of society at the bar is wide and healthy. The work itself too is interesting and varied, and bears a favourable comparison with that of other occupations. Again, the prizes are great and numerous, and confer not only wealth but rank and position. Just as a French soldier is told that he may some day hope to be a Marshal of France, so a barrister may hope to be Lord Chancellor of England; but it may be added that the chances are almost equally remote in each case. In fact, in choosing the profession the biggest prizes ought not to be counted on: not only are they obtained chiefly through influence of one kind or another, but so long as they are more valuable, or are more highly valued, than those of other occupations, so long will the competition for them be proportionately severer. Lastly, it may fairly be said that, given health, energy, and

steady work, anyone of average abilities may reasonably expect to obtain in a few years a moderate competency from the exercise of his profession; and that too without risking an unknown amount of capital, for at the bar (as opposed to most mercantile pursuits) it is possible to form an accurate estimate of the necessary expenditure in each year.

To these, in consequence of an Act of Parliament called the 'Solicitors Act, 1877,' another advantage may be added. By that Act any barrister of not less than five years' standing can, on satisfying certain formalities and passing a by no means difficult examination, cease to be a barrister and become a solicitor. It is therefore now possible for anyone who after a fair trial finds himself unfitted for his occupation, or is disappointed with the success which has attended his efforts, to give it up, and without the labour or expense of another professional training to enter on a new career: and that, too, one in which all the knowledge he has previously acquired will prove useful. As a solicitor he will escape many of the disadvantages enumerated above, and though no doubt he will lose the chance of obtaining the honours and position which are open to the bar, he will, on the other hand, if a partner in a good firm, probably enjoy a larger and more certain income.

These are only a few of many considerations which require weighing before a student chooses the bar as his future profession. No other pursuit is more exacting in the demands it makes on health, readiness, and tact; and many a man who intellectually seems well fitted to succeed fails when tested in the struggle. Most of those who have not succeeded did not sufficiently consider beforehand the requirements and difficulties of the profession; but if the student, having thought over these points, still deliberately chooses to go to the bar, success probably awaits him.

It may be added, in conclusion, that, in the opinion of most of those who have studied the subject, the best general training for political or public life or for many practical occupations is a legal one; and even although the intention or desire of acquiring an actual practice at the bar should never have been seriously formed, or should at any future time be abandoned, still the time occupied in that preparation will (if it can be spared) be well spent.

CHAPTER II.

THE CHOICE OF AN INN AND ADMISSION THERETO.

IN order to become a barrister it is necessary to be called to the bar ; and to be qualified to be called, it is necessary, first, to be a member of an ' Inn of Court ' ; secondly, to have kept a certain number of terms, and to have complied with certain regulations ; and, thirdly, to have passed an examination in law. It is with the first only of these three qualifications that this chapter deals.

The first step, then, which a student has to take, is to become a member of an Inn of Court. There are at present four of these Inns or Societies : called, respectively, Lincoln's Inn, the Middle Temple, the Inner Temple, and Gray's Inn. Perhaps the best way of forming an accurate idea of their functions is to regard them as analogous to colleges which together make up a legal university in London. The students at them correspond to the undergraduates, and the barristers to the graduates, of other universities. In each Inn also certain of the more distinguished barristers are called benchers, and occupy a position very similar to that of the fellows of a college at Oxford or Cambridge. They appoint one of their own number each year to be the treasurer of the Inn, and he, during his term of office, acts as the chief officer of the society.

There were also formerly a number of small Inns, but they have all long ago been bought up or otherwise acquired by the four large societies mentioned above, and the latter now provide the only means a barrister has of entering his profession.

Each of the four Inns appoints from time to time five benchers out of its own members, and these twenty benchers

so appointed form the 'Council of Legal Education.' This Council may for the purposes of the student be roughly described as forming the executive body of the university; and regulations are issued by it concerning the admission, education, and examination of students. These regulations are binding on the members of every Inn, but each society is entitled if it pleases to impose any additional restrictions on its own members.

The rules under which alone students can be admitted and called to the bar have at different times varied considerably. As it is not proposed to treat here of the history of the subject, it will be sufficient to consider those only which are now in force, and which apply to everyone who was admitted a student in or after the year 1878. These regulations are published and can be obtained either from the office of the Council, which is at present situated in Lincoln's Inn, or from that of any of the separate Inns.

The first point to be decided is whether the would-be barrister is *eligible*. By the regulations issued by the Council 'no Attorney at Law, Solicitor, Writer to the Signet, or Writer of the Scotch Courts, Proctor, Notary Public, Clerk in Chancery, Parliamentary Agent, or Agent in any Court, original or appellate, Clerk to any Justice of the Peace, or person acting in any of these capacities, and no Clerk to any Barrister, Conveyancer, Special Pleader, Equity Draftsman, Attorney, Solicitor, Writer to the Signet, or Writer of the Scotch Courts, Proctor, Notary Public, Parliamentary Agent, or Agent in any Court, original or appellate, Clerk in Chancery, Clerk of the Peace, Clerk to any Justice of the Peace, or to any officer in any Court of Law or Equity, and no person acting in the capacity of any such Clerk shall be admitted as a student at any Inn of Court until such person shall have entirely and *bond fide* ceased to act or practise in any of the capacities above named or described; and if on the Rolls of any Court shall have taken his name off the Rolls thereof.'

In addition to the somewhat lengthy list of disqualifications—the object of which is to discourage underhand influences and preserve the tone and etiquette of the profession—the Society of Lincoln's Inn require that their students shall not be in trade. But this additional restriction applies

of course only to those who desire to become members of that Inn.

Besides these positive disabilities, the student, before he can become a member of his Inn, has to satisfy the Council that he has received a sufficiently liberal education to justify his becoming a member of a learned profession. This may be done either (i) by producing a certificate that he has passed a public examination at some university within the British dominions (as, for example, Matriculation in London, or the Little-go at Oxford or Cambridge), or (ii) satisfying the Council that he has passed one of certain other specified examinations, or (iii) by passing an entrance examination, which was specially instituted by the Council for this purpose, in the English and Latin languages and English history.

If, as will most probably be the case, the student is qualified in the first of these ways, he can obtain from the office of his Inn a blank form in the following words :—

Certificate of having passed a Public Examination in a University.

To the Treasurer and Masters of the Bench of the Honourable Society of (*here insert name of Inn*).

I hereby certify that on (*date*), Mr. (*name*), of (*residence*), passed a public examination at the University of (*here insert name of University*).

This must be filled up and dated and signed by the person certifying, and the latter must also add a description of his office in the university or college. This document will then be handed in by the student when he presents himself for admission as described later on.

The student who wishes to qualify himself in the third way mentioned above can obtain the regulations relating to it from the office of any of the Inns. He must before he can present himself for such examination choose his future Inn, and on payment of one guinea he will obtain from the office there a blank form of application for admission, which entitles him to be examined. Such examinations are held at repeated intervals during term time (that is, if there is anyone who has given notice of his desire to be examined), in the benchers' room at the Middle Temple, from 10 A.M. to 1 P.M. Those who satisfy the examiners in it obtain certificates to that effect, which they must produce when they respectively apply for admission.

A few remarks may here be fitly made on the considerations which should guide the student in the *choice of an Inn*. On this point it is as impossible to lay down any rigid rules as it would be in the analogous case of a man going to college. Indeed, the Inn to which a man belongs makes so little practical difference in his career at the bar, that the whole question turns chiefly on a matter of convenience; and the student may safely gratify any fancy he has about it.

Generally speaking, it may be said that the student who intends practising in the courts attached to the Chancery Division, or of paying special attention to conveyancing, will find Lincoln's Inn the most convenient; while he who hopes to acquire a common law business will find the Middle or Inner Temple better suited for his purpose. Anyone who reads for the bar rather as a training for political life, or the duties of a magistrate, will probably prefer one of the Temples; while a student who looks forward to using his knowledge in the management of real property will probably choose Lincoln's Inn. Gray's Inn is a considerable distance from the law courts and from the three other Inns, and the only special advantage it has is that, since the number of its members is less, the chance of obtaining a scholarship or prize is somewhat greater at it than at one of the larger societies.

It is in general desirable to belong to that Inn where the barrister, when called, will have chambers, since every Inn has its own library, the use of which is confined to its own members; and it is hardly necessary to add that for a library to be convenient it must be readily accessible. At the same time it may be observed that from any part of Lincoln's Inn or the Temple any of the three libraries can be easily reached in two or three minutes. The libraries of the Inns are chiefly confined to law works. Lincoln's Inn has the reputation of having the best law library in London; the Middle Temple, that which is richest in American law books; and the Inner Temple, of having by far the best accommodation of the three. Practically each of the three libraries contains every legal work which anyone is likely to require.

The Inns generally let the rooms contained in them to their own members only, and hence there is another advantage in

joining that Inn where the barrister will ultimately want chambers. If, indeed, the student intend to live within the precincts of one of the societies, the Temple may prove more convenient to him than Lincoln's Inn, since but few residence chambers are to be found in the latter, and the rents are considerably higher than in the Temple. Most of the rooms are, however, held on subleases, and the point therefore is of less importance than it might at first seem.

As to which of the two Temples a common law barrister will find it most advantageous to join, it is difficult to speak definitely. The Inner Temple is, it is believed, considerably the largest in point of numbers of all the Inns. Up to a recent date it was practically exclusively confined to Oxford and Cambridge men, and, although now open to everyone indifferently on similar terms, it has still to a certain extent maintained the character of being specially a university Inn. The Middle Temple draws to itself a large proportion of the members of the university of London, of students from the colonies and dependencies of England, and also now a considerable number of men from the two older universities. Its list of members comprises, at the present time, many of the most eminent living lawyers. Probably the majority of students who intend to practise at the common law bar enter at whichever of the two Inns they have then most friends and acquaintances.

Before leaving the question of the choice of an Inn, it should be added that, if for any reason it seems desirable, it is possible on the payment of a small fee for a student or barrister to migrate at any time from one Inn to another, with the single exception that the Inner Temple declines to admit on its roll-list the name of any barrister who has been already called at another Inn. The rareness of a migration is perhaps the best proof of the very slight influence which the choice of his Inn has on a man's career.

Having then fixed on his future Inn, and having shown that he is eligible to become a member of it, the student has next to be *admitted*. If he has not already done so, he will now obtain from the office of his Inn a copy of the regulations which affect him, and he will thus see if any restrictions are placed on its members beyond those imposed by the Council

on all students. As was stated before, Lincoln's Inn is at present the only society which imposes any additional condition on its members.

The student will also obtain from the office of his Inn a printed form of application for admission, for which he will have to pay one guinea; and this, as previously mentioned, must be procured before anyone can enter for the preliminary examination. This form is at present in the following words, and must be signed by two barristers:—

I, (*here insert name*), of (*residence*), aged (*age*), the son of _____, of (*here insert address*), in the county of _____, (*add father's profession, if any, and the condition in life and occupation, if any, of the Applicant*), do hereby declare that I am desirous of being admitted a Student of the Honourable Society of (*name of Inn*), for the purpose of being called to the Bar, or of practising under the Bar, and that I will not, either directly or indirectly, apply for or take out any certificate to practise, directly or indirectly, as a Special Pleader, or Conveyancer, or Draftsman in Equity, without the special permission of the Masters of the Bench of the said Society.

And I do hereby further declare that I am not an Attorney at Law, Solicitor, a Writer to the Signet, a Writer of the Scotch Courts, a Proctor, a Notary Public, a Clerk in Chancery, a Parliamentary Agent, an Agent in any Court, original or appellate, a Clerk to any Justice of Peace, nor do I act, directly or indirectly, in any such capacity, or in the capacity of Clerk of or to any of the persons above described, or as Clerk of or to any Barrister, Conveyancer, Special Pleader, or Equity Draftsman, or of or to any officer in any Court of Law or Equity.

Dated this _____

day of _____

(Signature)

We, the undersigned, do hereby certify that we believe the above-named _____ to be a gentleman of respectability, and a proper person to be admitted a Member of the said Society.

} Barristers of _____

Approved. {

Treasurer, or, in his absence, by two Benchers.

Formerly it was not unusual for students before being called to the bar to practise for some years 'under the bar' by taking out a certificate as a special pleader, conveyancer, or draftsman in equity, and this is what is referred to in the form given above. Conveyancers confined themselves to conveyancing; and special pleaders and equity draftsmen to drawing pleadings, writing opinions, &c., but did not go into court. They thus formed a class of legal practitioners

distinct both from students and from barristers, and occupying a position between them, though far more akin to the latter than the former. No practical advantage is now gained by their forming a separate body, and as the Inns have with a few exceptions refused for the last few years to grant any new certificates the class is gradually dying out.

Besides signing this declaration the student will have on his admission to his Inn to make certain payments. He must then, unless he comes under one of the exceptions enumerated below, deposit a sum of £100 as caution money. This sum, however, is only temporarily withdrawn from his possession, for on his call to the bar it is used in whole or part payment of the fees then due from him, and the balance (if any) returned to him. In the case, too, of his death or withdrawal from the Inn this sum, after deducting anything which he may then owe to the society, is given back. This caution money is demanded in consequence of a common agreement which the four Inns came to in 1798; but at each Inn those students who are members of certain universities are exempted from the deposit. The student has also generally to execute a bond on admission to secure the payment by him (up to a certain amount) of whatever he may owe to the society for fees, dinners, commons, &c. As the exact terms of the bond and the conditions for exemption from a deposit vary slightly at each Inn, it will be necessary to consider each case separately.

At Lincoln's Inn all students who show their eligibility for admission in the first of the two ways mentioned above—that is, by having passed a public examination at some university in the British dominions—are exempted from the deposit of £100; but any student so exempted has, on the other hand, to execute a bond in £100 jointly with one member of Lincoln's Inn, or else with two householders. This bond, the reader will of course understand, is conditional for the payment of commons and dues: that is, it only takes effect if the student neglects to pay these, or, in other words, it secures the payment of these up to £100. All other students have on their admission both to make a deposit and also to execute a bond similar to that mentioned above, but in their case it is not necessary to get any other person to join in the latter.

At the Middle Temple those students who are members of the Scotch bar, or of any university in Great Britain or Ireland, are exempted from this deposit on production of a certificate of membership; but before call, a degree must have been taken at the university, or at least two years' terms kept there, otherwise interest will be charged on the sum which ought to have been deposited. Those students who are exempted from the deposit are, however, required to execute a bond in £50, conditional for the payment of commons, dues, &c. They have further to get either two householders or two barristers *to attend in person* and sign the bond as sureties. Those students who make the deposit are not required to give any bond.

At the Inner Temple members of any university in Great Britain or Ireland are exempted from the deposit on production of a certificate of membership and giving an undertaking to keep two years' terms at the university (or, where residence is not required, to take a degree) before call. All students of the Inner Temple have further on admission to execute a bond in £50 with two sureties, who must be either members of the Inn or householders, conditional for the payment of commons, dues, &c.

At Gray's Inn members of the Scotch bar, and members of any university in Great Britain or Ireland, who before call have kept two years' terms there, are exempted from this deposit. Every student, however, has on admission to give a bond in £50 jointly with some householder in England, conditional for the payment of his dues, commons, &c.

Only one further step remains to be taken, and that is to pay the entrance fees. These fees consist of a Government stamp of £25, a sum of £5. 5s. to admit to all the law lectures given under the authority of the Council, and certain other small sums, the amounts of which vary at the different Inns. The total of the entrance fees at Lincoln's Inn is £40, at the Middle Temple, £40. 6s. 8d., at the Inner Temple, £40. 11s. 5d., and at Gray's Inn, £39. 18s. 6d.

The student will therefore see that on presenting himself for admission at the office of the Inn he must be prepared with four things: namely, (i) his certificate of examination, (ii) his form of application for admission, (iii) his deposit or

caution money and bond, and (iv) the sum necessary to pay his entrance fees.

The student admitted a member of his Inn has at once certain rights and privileges conferred on him. He is entitled to attend various lectures on law free of expense, and a number of valuable prizes, scholarships, and studentships are open to him, if he cares to compete for them. He has, further, the right (subject to certain regulations) of renting rooms from the society, of dining in hall during term time, and of using the luncheon room, library, chapel, gardens, &c., attached and belonging to his Inn. In order to retain these privileges his name must appear on the list of the members of his Inn, and to keep it there he has to make a small annual payment. At Lincoln's Inn this amounts to £1 a year, at the Middle Temple to £1 a year, at the Inner Temple to 16s. 4d. a year, and at Gray's Inn to £1 a year.

Students of King's Inns, Dublin, have to keep four terms at one of the Inns of Court in London before they can be called to the Irish bar. They accordingly are, when admitted in London, excused from the stamp of £25 mentioned above, on production of a certificate from the authorities at King's Inns, and at some Inns they also pay somewhat smaller entrance fees; thus, at Lincoln's Inn they only pay £11, at the Middle Temple £10. 1s. 3d., at the Inner Temple £10. 6s. 6d., and at Gray's Inn £8. 7s. 6d.

CHAPTER III.

THE QUALIFICATIONS FOR CALL.

THE student having become a member of an Inn of Court has still to satisfy certain conditions before he is qualified to be called. He has, in the first place, to keep twelve terms, unless he comes under one of the exceptions mentioned below; secondly, to pass an examination in Roman Law; thirdly, to pass an examination in English Law; and, fourthly, he must be at least twenty-one years of age. It is with the first three of these necessary things, obligatory on all who become barristers, which form in fact the minimum that a student must do in order to be called, that this chapter deals. It will be left to a later chapter to consider briefly those more difficult examinations which the student has the option of passing, and whereby he can take 'honours,' or can obtain money prizes of considerable value, and other distinctions and privileges.

The student will remember then that before his call *he must in general keep at least twelve terms*. Now every year contains four of these law terms and no more, hence a little less than three years is the shortest time in which anyone can in general qualify himself to become a barrister. It is probable in fact that the majority of students spend at least four years in preparation; and as no obligation is imposed to keep consecutive terms, or not to keep more than twelve terms, no limit is placed on the time which may be spent in preparation for practice.

This rule as to the necessity of keeping twelve terms is subject to the following exceptions, which, however, are only granted at the pleasure of the benchers of the Inn to which the student belongs. A student who gets a first class in

honours (see p. 87) may be excused *two* of his terms, thereby reducing the number to be kept to *ten* : it is believed that the benchers of the different Inns have shown considerable reluctance to make use of this power. A student who previously to his admission has been a solicitor in practice for five years, but who has ceased to be a solicitor before his admission (see p. 14), may be examined for call after having kept *four* terms, and on passing such examination may be called on the next call-day. A student who previously to his admission has been called to the Victorian bar may, on producing a certificate to that effect, and also one by the attorney general or senior law officer of Victoria at the time when he left the colony, that he is a fit and proper person to be called to the English bar, have any of his terms not exceeding *six* in number dispensed with : he is also excused the preliminary examination. Members of the Irish bar are in all cases excused four terms (see p. 32).

It was stated above that every year contains four terms. These are now styled 'The Inns of Court terms,' but since 1875 they no longer always begin and end on the same days of the months. They are respectively called Hilary term, which is fixed in January ; Easter term, from the middle of April to the middle of May ; Trinity term, from the end of May to the middle of June ; and Michaelmas term, which is in November. The exact days on which they commence and terminate can be found by reference to any almanack.

Any term is 'kept,' not as in most universities by residence or by attending lectures, but by the somewhat curious way of 'eating dinners.' This seems to be a survival of some old legal way of marking a man's being in residence in the Inn by his dining there ; and was also no doubt partly due to the fact that formerly after dinner the doors were shut and the students then instructed in law by means of mock trials. Each Inn owns a large dining-hall, fitted and kept up somewhat after the fashion of a college-hall at Oxford or Cambridge, and every day during term-time dinner is served there. All, then, that is necessary to do in order to keep a term is to dine for a certain number of nights in it in the hall attached to the Inn in question. A student who is at the same time a member of any university in Great Britain or Ireland can keep a term

by dining (of course in the hall of his own Inn) any three days in it, while all others have to dine on six days at least.

Students who are members of Lincoln's Inn have on two of these terms to go through an additional formality. No student of that society can be called unless he has been twice introduced by the steward after dinner to the bar table, where the barristers dine : one such introduction being in the year of admission, and the other in the last year before he is called. As the students file past the bar table any barrister can object to a student whom he deems unworthy to be called by plucking his gown as he passes. This rule only applies to a student who joins Lincoln's Inn, but it is necessary for him to pay attention to it, as, should he forget it, he may find his call delayed half a year or more.

It will readily be imagined that a large number of old customs are still adhered to in these dinners, and such is the case. The benchers sit at a high table apart from the barristers and students. The latter dine in gowns, which are supplied for them and kept in a robing room near the hall, and for the use of which a small fee is charged. It is usual to dine in messes of four men each, and certain old regulations as to the order in which the joints and the wine are passed round, and the custom of taking wine together, are still adhered to : but with these and all similar customs the student will become acquainted after one or two dinners.

Dinner begins at six o'clock and usually lasts about an hour, but it must be remembered that a dinner is not available for the purpose of keeping term unless the student be present at the grace before dinner, during the whole of dinner, and until the concluding grace is said. The treasurer of the Inn, or whoever else is in the chair for any particular night, may, however, allow students to leave earlier, and as a matter of fact usually does so at the end of one hour from the commencement of dinner. Any particular student can also obtain permission to leave earlier if he has a good reason to offer. It may be noticed that students cannot under any circumstances or at any time take guests in to dinner. The necessary expense of keeping a term varies slightly at each Inn, but is somewhere about 80s.

The reader will recollect that before his call the student

must pass an examination. This is called the examination for pass certificates, and is divided into two parts. The first part deals only with Roman Civil Law, and can be taken either alone or with the second part, but not after it; the student must, however, before taking it have kept at least four terms. The second part deals only with English Law; and before taking it the student must have kept at least nine terms. There are four examinations for each part each year. Candidates who have already elsewhere passed certain examinations, and there shown a fair knowledge of Roman Law and the Law of Real and Personal Property, can be excused those two subjects, as explained on page 28.

To lay down a course of reading for an examination without knowing the abilities and character of the student would be absurd; but a practical work would be incomplete if no effort were made to give the student some assistance in preparing himself for this examination. A university man of average abilities ought, it is believed, to have no difficulty in passing if he conscientiously goes through the course of reading laid down below. The reader must judge for himself as to how far it ought to be modified in his own or any other particular case.

The Council of Legal Education publish in advance from time to time the particular parts of each subjection which they intend to examine at their various examinations, and what notice they require of the intention of students to present themselves. This list of set subjects the student will of course get and consult, since his reading must vary according to the subjects set. It may here be remarked, once for all, that all the examinations described later on are partly *viva voce* and partly by written answers. The student will also observe that for the convenience of the examiners many different examinations are held at the same time. He must therefore be very careful, in giving notice of his intention to present himself for examination, to state expressly in writing for what subjects or examination he is presenting himself.

The first question to be decided is whether the Roman Law shall be taken alone first of all, or later on together with the English Law. Now the thorough study of Roman Law may be well worth the time it costs to one who begins his professional studies so early as to have plenty of time for

preparation, and is no doubt in itself a valuable training, but there can be little question that its proper place is in an honours and not in a pass examination. The slight knowledge of the subject requisite to pass will have no direct value to the student in his after career, and indeed will probably soon be forgotten. If this be so, it follows that the sooner this part of the examination is got over the better it will be : and such, to judge by their conduct, is the conclusion come to by most candidates. This, however, does not affect the course of reading recommended below, which will be the same in whatever order the parts of the examination be taken : nor do the above remarks apply to the candidate for honours, who must take all his subjects at one and the same time. Some further observations as to how a student can best divide his time in passing these examinations and otherwise preparing himself to practise will be found later on.

In Roman Law it has hitherto been the custom to set the whole or part of the Institutes of Justinian. The text-book¹ for this is Sandars' *Institutes of Justinian*, and a perusal of this is by itself quite sufficient to enable the reader to pass this part of the examination. Unless the student has some previous knowledge of the subject, he will find considerable advantage, however, in obtaining a general view of the whole subject before commencing to study Justinian—such a view for instance is given in Chapter 44 of Gibbon's *Decline and Fall of the Roman Empire*, a book which can be easily obtained from any public or subscription library. A very good analysis of the subject is published at the end of Sandars, and either this, or the *Analysis and Summary of the Institutes* by Greene, or the *Introduction to Roman Law* by Hunter, will prove useful just before the examination as giving a condensed epitome of the subject. The time required for preparation must vary very much for different students ; probably for an average university man six weeks' work of five or six hours a day would be sufficient.

The second part of the examination deals with three

¹ The reader will find in the appendix, p. 61, a list of the chief text-books here recommended, with the name of the publishers and the price of each respectively. See also pages 47 and 48 as to the text-books which should be read.

branches of English Law with which every barrister must be well acquainted. These are the Law of Real and Personal Property, Common Law, and Equity. The papers on them are framed so as to test the student's knowledge of the elements of the whole of each subject, as well as those portions which are specially marked out for examination.

As to what text-books should be used here, it may fairly be said that a knowledge of Indermaur's *Principles of the Common Law* (or of Broom's *Common Law*) would enable anyone to answer most of the questions in the Common Law paper which have ever yet been set; Snell's *Equity* (the gist of which is condensed into Smith's *Manual of Equity Jurisprudence*) most of the questions in the Equity paper; Goodeve's *Real Property* or Williams' *Real Property*, the questions on the law of Real Property, and a good many of the questions on Equity too; and, finally, Goodeve's *Personal Property*, together with Smith's *Manual of Common Law*, the questions on the law of Personal Property. Taken as a whole, the above course of reading gives a good grounding in the elementary principles of English Law. In addition to these books, those cases in Smith's *Leading Cases* or White and Tudor's *Leading Cases* which refer to the special subjects set ought to be carefully studied, and they will generally afford all the additional information that is required for the purposes of the examination. The weakest point in this course of reading is the Criminal Law. The papers, however, rarely contain more than one question on the subject, but anyone who desires to know more of it can hardly do better than read Shirley's *Sketch of Criminal Law*; or if he wants to go into it in greater detail, the *Principles of the Criminal Law* by Harris and Tomlinson, or Stephen's *Digest of Criminal Law*. The latter is a work which is somewhat elaborate and technical for a beginner, but otherwise is well worthy of study. As to the time required: subject to the same remarks as made above, five months' work of five or six hours a day ought to be amply sufficient for a university man of average abilities and education. A good coach or tutor may of course enable a student to pass it in less time than this, but the examination is not a difficult one, and ought not to necessitate assistance in preparation for it.

Copies of the papers set, together with the answers to the various questions, are published immediately after each examination in the *Bar Examination Journal*, price 2s., published by Stevens & Haynes, the law publishers.

It is necessary to reach a certain standard in *each* paper, and thus excellence in one subject will not atone for ignorance in another. No official statement has ever been made as to what percentage is required in order to pass : but it has been asserted that in general 150 marks is the maximum assigned to each of the four subjects, of which 125 are given to the paper, and 25 to the *vivá voce* examination ; and that in order to pass it is necessary to get at least fifty marks in each paper, and an average of seventy-five marks per paper on the whole examination. Such a standard seems rather high, and this statement, though probably not far from the truth, is not reliable, and cannot be put down as more than a plausible rumour.

Those who pass receive from the Council certificates of fitness for being called to the bar, the possession of which is necessary before that call can take place.

The papers on Roman Law which constitute the first part of the examination, and those on Real and Personal Property which are included in the second part, are not obligatory on any candidate who has taken a degree granted by a British university for which the qualifying examination was in law, or has passed such examination (though he may not have taken the degree for which it qualifies him) ; provided the examination is one approved by the Council. A student so excused need only pass in Common Law and Equity. But a reasonable time before presenting himself for examination in these subjects he must forward a copy of the papers set for the law degree, together with certificates from the examiners for it and the registrar of the university that the degree has been taken or the examination passed.

CHAPTER IV.

THE CALL TO THE BAR.

ANY student who has kept at least twelve terms and passed both branches of the examination just described can, provided he has also attained the age of twenty-one years, be called to the bar by the benchers of his Inn. This is a voluntary act on their part which they can decline to perform if they please ; and in fact the four Inns have agreed to refuse to call any student who, being a clergyman, has acted as such during any part of the preceding year, or intends to act as such in the future. But, with this exception, they never refuse to call any duly qualified member except for the gravest cause ; and even then an appeal lies from their decision to the Judges. Anyone who employs a barrister has necessarily to put implicit trust in his integrity and honour, and no higher tribute could well be paid to the tone of the profession than the universal admission as to how that trust is carried out. This, however, makes it all the more important that no one shall be entitled to demand to be called as a matter of right merely on the payment of money fees and the passing of a certain examination.

The only points in connection with the call to the bar to which it is deemed necessary to allude here are the notice required, the fees that have to be paid, and the manner in which some guarantee is obtained as to the moral fitness of a student for the profession ; and these will be treated very briefly.

Students can be called in any law term : the sixteenth day of each term (or if that happens to fall on a Sunday then the seventeenth) is ' call day,' and on that day all students who are then properly qualified and have given sufficient notice are called to the bar by their respective Inns. The name and

description of every student who intends to be called in any term must be placed on the screens and certain other parts of each Inn for at least a fortnight before call day in that term ; that is, it must be placed there by the second day of term at the latest. This is seen to by the secretary of the Inn, and it therefore follows that rather more than a fortnight's notice must be given of a student's intention to present himself for call. On giving this notice he must, if required, produce his certificate of fitness for being called to the bar, and he will obtain from the treasurer's office a list of the payments he will have to make ; since the regulations for call may from time to time be slightly varied, it will be also prudent to ask for an account of the various formal steps he has to take, unless he already knows exactly what they then are.

The call fees amount in round numbers to £100, and must, together with all moneys due to the Inn for annual dues, commons, &c., be paid at the treasurer's office before call day. The chief item is a Government stamp of £50, but certain other charges are made which vary at the different Inns. The exact sums required are as follows : at Lincoln's Inn the total sum is £94 ; at the Middle Temple £99. 10s. ; at the Inner Temple £94. 9s. 6d. ; and at Gray's Inn £77. 2s. 4d. The first thing that strikes a reader is the much smaller amount asked for by Gray's Inn than that demanded by the three other societies. This is more apparent than real, and arises in the following manner. It was formerly usual for each Inn to require an annual payment from every barrister for the purpose of keeping his name on their books. This was, however, found in practice to produce considerable dissatisfaction, especially in the case of those who had left London and abandoned the practice of the profession. The three larger Inns accordingly commuted these yearly payments for a gross sum of £12 payable on call ; and this sum is included in the totals given above. This has not yet been done at Gray's Inn, and therefore, in order to provide for the due payment of these annual fees which are still retained there, a student of that society on being called has to give a bond in £80 jointly with some householder in England, conditional for the payment of his dues, commons, &c.

At each of the Inns a candidate must be proposed (or, as

it is technically termed, his call must be moved) by a bencher of his own Inn who has some personal acquaintance with him; even if the student has no friend amongst the benchers no practical difficulty is found in getting an introduction to one in order to make his acquaintance for the purpose of this rule. The candidate is then voted for at a meeting of the benchers of his Inn convened for that purpose, at which it is of course competent for anyone present to object to him and give his reasons. If elected, there only remains to publish the call, and for the candidate to sign his name in the rolls of the Queen's Bench Division to give him all the rights and privileges of a barrister.

At Lincoln's Inn a student has to sign a 'Petition for Call to the Bar,' in which he states his condition of life and occupation (if any). A call is refused to anyone who is in trade. He has to present this petition in person to the treasurer of the society (or senior bencher present) on some occasion fixed for that purpose and immediately preceding the day on which his call is to be moved. He can of course find out from the office what day is determined on for this ceremony. Besides this petition, he has at the same time to present a declaration signed by him in the following form:—

I, (name), being desirous of being called to the Bar by the Honourable Society of Lincoln's Inn, do hereby declare as follows:

1st. That I am not a person in Holy Orders (or, that I being a person in Holy Orders have not during the year next before the date of this declaration held or performed any Clerical preferment or duty, or performed any Clerical functions, and do not intend any longer to act as a Clergyman).

2nd. That I am not, and that I have never, since my admission as a Student of this Honourable Society, been a person coming under any of the following descriptions, that is to say: A person who is an Attorney at Law, Solicitor, Writer to the Signet, a Writer of the Scotch Courts, a Proctor, a Notary Public, a Clerk in Chancery, a Parliamentary Agent, an Agent in any Court, original or appellate, a Clerk to any Justice of the Peace, or who acts, directly or indirectly, in any such capacity, or in the service of any of the persons above described, or who acts as Clerk of or to a Barrister, Conveyancer, Special Pleader, or Equity Draftsman, or of or to any Officer in any Court of Law or Equity.

The ceremony of the call itself, or rather its announcement or 'publication,' is a formal operation the details of which vary in each Inn. It is not necessary to consider them here, since by the time he is about to be called a student will know

exactly what they are, and what is required of him. It is always usual for the student to dine in hall on his call night; and in the Middle Temple he is further obliged to come in wig and gown. At Lincoln's Inn, the Middle Temple, and Gray's Inn the announcement of the call is made half an hour before hall, and those then called must be present in person; at the Inner Temple it is made immediately after dinner. At Lincoln's Inn the newly called barristers take dessert and wine with the benchers: the senior bencher present proposes their health, and then the benchers retire and leave those called to spend the evening together. At the Middle Temple those just called are allowed to give a call supper in the hall after dinner is finished, but comparatively few avail themselves of the privilege. At the Inner Temple, after the publication of the call in the private rooms of the benchers, the senior bencher congratulates the new barristers on their call, and speaks of the responsibilities and duties of their new profession, to which the senior student replies in a suitable manner; but in this Inn it is the students who are bowed out and leave the benchers to their wine and dessert. At Gray's Inn the newly called barristers are toasted in the hall after dinner, and the whole society have wine and dessert together. These details, however, have little interest for any except those who are about to be called, to whom they will be sufficiently familiar by the accounts of those students slightly senior to themselves.

It may perhaps be here remarked that those students who are already members of the Irish bar are exempted from certain of the regulations mentioned in this and the last chapter. As is well known, students in order to be called to the Irish bar have, amongst other things, to keep four terms in one of the Inns of Court in London; and if an Irish student or barrister subsequently enter as a student for the English bar he is allowed to count those four terms so kept as if they had been originally kept for the English bar. All students and members of the Irish bar are also, as stated before, excused the stamp of £25 on entrance, and members of the Irish bar have got to pay only a £10 stamp on call together with certain small fees; but in all other respects they are subject to the rules and regulations given above.

CHAPTER V.

AN ACCOUNT OF THE SCHOLARSHIPS, PRIZES, AND OTHER DISTINCTIONS OPEN TO STUDENTS.

THE last chapter concludes that part of the subject which deals with the minimum required from the student—a part which corresponds roughly with the regulations relating to ordinary degrees at Oxford and Cambridge. In this chapter those examinations which are optional to the student, and which give ‘honours,’ or entitle him to money rewards, are briefly considered.

The *pecuniary rewards* offered for competition are of two kinds: those given by the Council, and therefore open to students of every Inn; and those established by the separate Inns, and therefore confined to their own members respectively.

Those offered by or through the Council and open to any student consist of ‘*studentships*,’ ‘*scholarships*,’ and ‘*prizes*’ amounting altogether in value to about £2,000 a year.

The *studentships* were established to encourage the study of Jurisprudence and Roman Civil Law, and the examination for them is in those two subjects alone. The examination lasts two days, and, like all those here referred to, is partly by means of printed papers and partly oral. It takes place twice a year, before Hilary and before Trinity terms, or, roughly speaking, about January and May. There are in all twelve *studentships*, each of them being of the annual value of one hundred guineas. Eight of them last for two years, and the other four for one year only. The former kind, which are tenable for two years, are open only to any student to

whom not more than four terms have elapsed since keeping his first term, and two of them are awarded at each examination. The latter are open to any student (not then already entitled to a studentship) as to whom not less than four and not more than eight terms have elapsed since keeping his first term, and two of them also are awarded at each examination. The Council publish a considerable time in advance of each examination a list of the subjects in which they intend to examine, the time of the examination, and the notice required from all competitors.

A *scholarship*, named after its founder 'The Barstow Scholarship,' is given every summer to that student who, at the honours examination then held for certificates for call to the bar, passes best in Jurisprudence (including International Law), Constitutional Law, and Legal History. It is tenable for two years, and is worth about £70 per annum.

In addition to the studentships, the Council offer annually eighteen *prizes* of the total value of £500. The reader may recollect that it was stated above that certain law lectures were given by the authority of the Council to which students were admitted free of expense. Four professors are appointed who lecture on Roman Law, Equity, Common Law, and the Law of Real and Personal Property respectively. At the end of the year, in December, there are four examinations—that is, one in the subjects lectured on by each professor; and in each subject there are four money prizes of £50, £25, £15, and £10 respectively. Besides these, there are two prizes of £70 and £80, for the students who obtain the greatest aggregate number of marks in any two subjects. The examination in any subject is open to all students who have attended at least two-thirds of the lectures given that year in that subject; but no student is admitted to more than two of these examinations, or can take more than one prize; and, further, anyone who has obtained a studentship is altogether excluded, so that they may be left to act as an encouragement to study in the case of those who fail to secure one of the larger money prizes.

Each Inn further offers certain scholarships for competition amongst its own students; and these are generally more easily attainable than the studentships offered by the Council.

These will now be briefly considered in order, but the full regulations concerning them can be obtained from the respective societies.

Lincoln's Inn offers every year four scholarships of the value of one hundred guineas each: they are payable in cash, but tenable for one year only—in fact, they form money prizes rather than scholarships properly so called. Two of the scholarships are awarded for proficiency in International and Constitutional Law, and in Common Law (including Criminal Law); the other two are given for proficiency in the Law of Real and Personal Property, and in Equity. A student may compete in both groups of subjects at any examination, but will only be eligible to one scholarship in any one year; and no student to whom a scholarship has been awarded will be eligible again for a scholarship in the same group of subjects. If less than six candidates compete in one group of subjects only one scholarship will be awarded in that group, unless the examiners recommend that a second scholarship be granted on the ground of exceptional merit in a second candidate. The competition is limited to those students who were not more than twenty-five years old on the preceding 1st of January, and who have *then* been members of the Inn for not less than three whole terms. Notice of the time at which and subjects in which the examination will be held, and of the date by which students must give notice of their intention to compete, is published some time (at least a month) in advance. The examination is held shortly before Easter every year.

The *Middle Temple* offers sixteen scholarships of the total annual value of £840 for competition amongst its own students. Four of these are of one hundred guineas each, four of fifty guineas, four of thirty guineas, and four of twenty guineas; they are tenable for one year only, and one of each kind is given for proficiency in each of the following four subjects:—(i) International and Constitutional Law, (ii) The Law of Real and Personal Property, (iii) Common Law and Criminal Law, and (iv) Equity. Those of one hundred and those of thirty guineas are given respectively to the four best and the four second students in each of the four subjects alluded to above, by an examination in the summer; the

remaining eight scholarships are given by another examination held about Easter. No one is eligible for a scholarship who was more than twenty-four on the 1st of January preceding the examination for it, and no student can hold more than one scholarship on the same subject in the same year. A student who has once obtained a hundred guineas scholarship is not allowed to compete again; and one who has obtained a fifty guineas scholarship cannot compete for the hundred guineas scholarship in that subject, though he remains eligible for a hundred guineas scholarship in one of the other subjects. A prize of ten guineas is awarded to that candidate at the summer examination who, though not obtaining a scholarship, shows most proficiency in Criminal Law.

The *Inner Temple* also offers scholarships of the annual value of £680 amongst its own students; but they are not payable in cash, and are competed for under different regulations to those in force at the other Inns. This society has founded lectures for its own members, in addition to those established by the Council. Three tutors are appointed by the society, who lecture respectively on Real Property, Equity, and Common Law; and who are supposed to give rather more individual assistance to the students attending their classes than is possible in the more formal lectures given under the authority of the Council. Scholarships of one hundred guineas are awarded for proficiency in the subjects lectured on by each of the tutors during the preceding year. Three of them are given in January (one for each subject) and three of them in July. The money is not paid direct to the successful student, but is handed over to some barrister or special pleader, chosen by the student and approved of by the Inn, into whose chambers the pupil then goes to read in the manner described in the next chapter. A student can only hold one scholarship, though he may compete for as many as he likes; but if he once gets one he is never eligible again.

Gray's Inn offers scholarships and prizes of the annual value of £875. They are:—

(i) The Bacon Scholarship of £45 a year, and the Holt Scholarship of £40 a year, each tenable for two years. These are given for proficiency in the Political and Constitutional

History of England, and the examination for them is held in these subjects towards the end of May every year. To be eligible a student must have kept every term since his admission, and must further have been a member of the Inn for not more than five terms.

(ii) The Arden Scholarships of £60 a year, tenable for three years from a student's call. One of these is awarded every year by an examination held in the Michaelmas term. A student may compete for it at any time within four years after his admission to the Inn, but he cannot enjoy the emoluments until after he has been called. The scholars must be natives of Great Britain or Ireland, must not have been more than twenty-four when admitted to the Inn, and not have previously belonged to any other society, and they must also have kept within four years from admission not less than twelve nor more than fifteen terms. The scholarship continues only so long as the scholar remains a member of the Inn.

(iii) The Lee Prize of £25 a year, given for the best essay on the laws of Justinian, or on the Common or Statute Law of England. The subject is published in Trinity term, and the essays have to be sent in by the following 1st of March. No one can take the prize more than twice.

It will thus be seen that the money prizes open to the student are both numerous and valuable. Most or all of them are of very recent foundation, and whether from their not being sufficiently well known, or whether because most of those who enter for the bar are already tired of perpetually working under examination pressure, the number of competitors for them is at present far less than would be imagined. This is, however, partly due to the fact that many students enter while at Oxford or Cambridge; and this renders them too old, or of too great a standing in their Inn, to compete for these prizes when resident in London.

It has been already stated that there is a more difficult examination, called the *Examination for honours*, which the student may take instead of the ordinary one for a pass certificate in exactly the same way as an undergraduate at Oxford or Cambridge may take his bachelor's degree either by an honours or by a poll examination. The subjects in which a

candidate for honours is examined comprise Jurisprudence (including both public and private International Law), Roman Law, Constitutional Law and Legal History, Common Law, Equity, the Law of Real and Personal Property, and Criminal Law; and to pass he must do satisfactorily in the papers on Roman Law, Common Law, Equity, and the Law of Real and Personal Property. The examination is held at the same time as that for the studentships, i.e. shortly before Hilary and Trinity terms; and selected portions of the above subjects are given for the examination and published in advance. These, of course, are more numerous and difficult than those for the pass certificate, though less so than those for the studentships.

The list of those who pass is arranged in two classes, each placed in alphabetical order. Apart from any reputation it may give at the bar (and at present it is scarcely too much to say that it gives none), the only advantage gained by taking honours is the seniority it confers over all other students called at the same time. This is an advantage which is practically worthless. It is true that under the regulations issued by the Council a student placed in the first class may be excused keeping two terms. The author is not aware of any case in which an Inn has availed itself of this privilege, and the time of preparation is already so short that any curtailment of it would not in general be desirable.

The examination is also a difficult one and involves a great deal of reading and work which is neither directly profitable nor likely to be of any immediate use to a barrister. It is not therefore very surprising that at present the number of candidates who offer themselves for it is small. If, indeed, the conservatism of the Council should ever allow them to establish examinations more strictly analogous to those for honours at the older universities—confined, that is, to single definite branches of law—it is probable they would attract the best students to compete for them. If, for example, a student could thus take honours and be entitled to be called by showing a thorough acquaintance with e.g. Patent Law or Shipping Law, it might be well worth his while to attain that distinction, since it probably would be of considerable assistance to him in his profession; but under the existing regula-

Scholarships, Prizes, &c. open to Students. 39

tions no solicitor would think of sending work to a barrister who had taken honours merely on that account. Indeed, the present examination affords scarcely any guarantee that those who pass it are qualified to practise, and so long as it neither gives a reputation nor leads to work so long will the great majority of students avoid it.

CHAPTER VI.

READING IN CHAMBERS.

IF the object of a student's career were merely to become a barrister, in the same way as that of most undergraduates is to take a degree, this and the following chapter would be unnecessary. The majority of barristers, however, become such in order to practise ; and a work such as this professes to be ought to deal with the question as to how a student can best prepare himself to ensure as far as possible his ultimate success. The general consideration of this question will be reserved for the next chapter, but there is one all-important element in that preparation which is universally admitted to be necessary ; that element is 'reading in chambers,' and to that alone this chapter is confined.

Before entering on the subject of this chapter, it may here be remarked, once for all, that on the questions treated in this and the next chapters a considerable variety of opinions is held. This is necessarily the case. The preceding chapters considered only how certain definite conditions were to be fulfilled ; if the student attained a certain standard clearly marked out beforehand by the examiners he was certain of success ; now, however, problems have to be treated the correctness of the solutions of which can only be tested by the success or failure of a man's career. In so vague and difficult a matter there must be great differences of opinion, but to save the constant and tiring repetition of qualifying phrases, it has been thought better to state the views expressed here in a dogmatic form. As some test, however, of their correctness, it may be mentioned that several of the author's friends who were members of the bar and well qualified to speak on such points were good enough to read the first edition of this

work, and without exception their views coincided with those here given.

It is admitted by all that the knowledge and experience necessary to enable a barrister to deal successfully with even the simplest class of cases likely to come before him cannot be acquired by private study. It is equally certain that they cannot be obtained by merely sitting in court. The work done there is not in all probability of that kind of which a young practitioner is likely to have much ; and even if it were, he could hardly expect to understand it fully or do himself justice if he had not seen something of the manner in which actions are finally brought into a condition when they are ready to be tried. To hear cases conducted in court is a useful exercise, perhaps indeed a necessary one, at a certain period of a student's career, but by itself it will never give him the training which is absolutely requisite to his success. At the bar, no less than in every other business, it is necessary to serve some kind of apprenticeship ; and the only kind open to the barrister is to read in chambers. It is absolutely essential to a barrister's future success, and if any student cannot afford the expense necessary to spend at least one year there, the sooner that he gives up the idea of practising at the bar the better for him. Nor is it, to say the least, advisable to read in one set of chambers only ; all departments of law are involved together, and in practice, no less than in theory, a student must have a general acquaintance with all the more elementary parts if he wish to make a sound lawyer. The reader may possibly have thought that since the business of different barristers is of the most varied nature their education should be varied in a corresponding manner, and that it would thus be sufficient for a student to go into the chambers of some one barrister who had a practice of a similar kind to that which the student hoped to acquire. This, however, is only partially true, and as a matter of fact the best training up to a certain point—the foundation of the knowledge necessary to practise—must be very similar for all. It is with the means of laying this foundation that the following pages deal. The superstructure must be erected by each for himself.

As is well known, members of the 'junior bar'—that is, those who are not Queen's Counsel, or (as it is usually

expressed) those who have not taken silk—are by the custom of the profession permitted to take pupils. It is not usual to take a pupil for less than six months, and some barristers refuse to take any for less than a year; moreover, as beginners are not only useless, but are in fact in everyone's way for the first two or three months, they generally have a difficulty in finding anyone with a good practice who is willing to take them for less than a twelvemonth. The fee, which is payable on the *commencement* of the pupilage, is a hundred guineas a year, or fifty guineas for half that time. Inasmuch, however, as a year is inclusive of the long vacation, while a term of six months can be arranged so as to be exclusive of vacations, the latter is decidedly the preferable period to choose; and the more so, since at the expiration of the six months the pupil, if he wishes it, will almost always be easily able to arrange to continue in the same chambers for another half-year; while, if he then thinks it desirable, he is free to make a change.

For this fee the pupil is entitled during the term of his pupilage to go to the chambers of the barrister with whom he is reading during business hours, say from ten in the morning to five or six in the evening. There, or more probably in an adjoining pupil room, he does as well as he can the work which comes to be done in the barrister's chambers, and which generally forms a far larger portion of a junior's practice than his briefs in court; for example, he draws conveyances (leases, marriage settlements, wills, &c.), and pleadings (the formal documents, such as claims and defences in actions), and writes opinions. The pupil does not merely look at the papers and make notes on them for the barrister's use, but he deals with them himself just as if they formed a piece of work which his own client had delivered for him to do, and he spends, or at least he should spend, as much care and trouble on them as if his reputation with his own clients depended on the result. These drafts are subsequently corrected or re-drawn by the barrister, and it is hardly necessary to add that a pupil who does not take the trouble to see the corrected draft before it is finally taken away from chambers will not derive much good from being there. It will thus be easily imagined that a good pupil is a very great aid to a

barrister, and, in fact, without some such assistance it would be impossible for a junior to carry on a large business. Conversely, a barrister may prove of great use to a good pupil of his by introducing him to business, and many a successful barrister owes his practice wholly to the work that he did when reading in chambers and the reputation he thus acquired.

Such being the manner in which reading in chambers is carried on, the next question that arises is as to what time should be spent over it. Putting on one side that small minority who wish to confine themselves to criminal business, and to whom the greater part of this chapter is quite inapplicable, and laying down as far as is possible a general rule for all students, then the better opinion is that *two years* in chambers is the *least* time in which a man can qualify himself to practise on his own account, and *three years* for an average man is not too much. This, however, is a matter on which the student can after a year's reading in chambers judge for himself; and of course any general rule on such a subject must admit of many exceptions.

To get the greatest advantage out of a two years' course it should, perhaps, be divided¹ as follows: Six months with a conveyancer, six months with a chancery barrister, six months with a special pleader, and, finally, six months with some barrister who practises in whatever department of law the student has then fixed on for himself. There is no objection in this scheme to reading with a special pleader before the chancery barrister if that should be more convenient, but for the reason explained hereafter it is probable that the first year in this plan of reading would have to be spent with one who practised both as a conveyancer and chancery barrister. The details of such a course and its feasibility will be considered immediately, but it may be at once pointed out that it possesses one great advantage in the fact that it does not compel a man to choose definitely any particular branch of the profession until he has had an opportunity of seeing what it is like. At present it is usual for a barrister to confine himself either to the Chancery or Common Law Divisions,

¹ The reasons for this division are given later, but most of the remarks that follow are independent of the order in which it is deemed best to read. It is difficult to lay down an absolute rule, since much must necessarily depend on the particular student and his previous education.

though now that most of the law courts are in the same building it is no longer necessary to do so ; still in most cases the young practitioner will have to make a choice between the two Divisions, and it seems desirable that before doing so he should have some means of judging for himself as to the kind of business for which he is best fitted.

The next question to be determined is on what principle the pupil should choose a barrister to read with ; and this is by no means such an easy question to answer as might at first be thought.

It may be at once admitted that the better known the barrister chosen and the larger his practice the less individual attention the pupil will get, while a younger and rising man, although he will give the individual attention to the pupil, will not have sufficient work to keep him fully employed. A student of abilities considerably above the average ought, there can be no doubt, to choose the man with the large practice ; even if at first he gets discouraged, it will, at his time of life, probably do him no ultimate harm, but only cause him to be more careful and to work the harder. But it is far more difficult to advise a man of average abilities ; probably as soon as he has had a little experience it is better that he too should go where he is sure of plenty of work ; indeed, even though his knowledge should be very limited, he is certain in a large pupil room to find those who will do all they can to assist him in his work. A plan is therefore suggested in the next chapter (p. 54) by which, without any loss of time though at a slightly increased cost, he may obtain that experience. If, on the other hand, he has not had any previous practical experience, then it is probable that he will find that the individual attention of a young and rising barrister, or of an older one with only a moderate practice, will more than compensate for an occasional deficiency of work. But if there should be any doubt about the matter, the student would generally do well to restrict his choice to those who had already made their reputation.

It is not, however, every barrister with a large practice whose chambers are equally suitable for the student. Different barristers have different kinds of business, and there is a great deal of work done in some chambers for which the pupil

is at first unfitted. It is not too much to say that during the first three of these four periods of six months each the pupil cannot thoroughly understand court work. In what are known as hostile actions the actual trial is only the last scene of the contest, and a knowledge of the earlier steps and proceedings, if not essential, is at least very desirable before the pupil begins to spend his time in working up briefs or sitting in court. This knowledge, too, is necessary for his success: he will often have to take on himself the responsibility of deciding about all the early proceedings in an action, but at the trial itself he will generally have a 'leader' on whom the conduct of the case will wholly depend. Besides, after some time judiciously used in reading in chambers, the pupil will have got so completely behind the scenes that he will be able after leaving chambers to get considerable instruction from merely sitting in court: an education which can be obtained free of expense, but to which previous attendance at a good pupil room is a necessary condition precedent.

If these conclusions are sound, the pupil for the first eighteen months mentioned above should only read with those whose practices consist chiefly of chamber and not of court work. The pupil will there see the kind of practice which in any case he must understand, and which forms the almost exclusive business of most men when first called to the bar; besides this, he will also enjoy the advantage of being able to consult the barrister with whom he is reading should he wish to do so. If, on the other hand, he should go into the chambers of a barrister with an extensive court practice, he will not only find a great deal of the work unsuited to him, but there will probably be alternately a superabundance and deficiency of it; he will also rarely have an opportunity of seeing and consulting the practitioner in whose chambers he is, since during the sittings of the courts the latter will be away from chambers, and after they rise be engaged in consultations, and (if a common law man) will further be frequently away from London on circuit and sessions. In addition to these disadvantages, the pupil will find no little time is wasted in hearing the argument of any particular case which he has worked up, since it is generally impossible to say exactly when any given case will be called on.

These considerations will show why the plan of reading stated above is given as the best division of a two years' course. There can be no doubt that it is wisest to begin with the chambers of a conveyancer—the nursery, as it has been called, of every lawyer—but unless the pupil has had some previous experience he will find a difficulty in getting anyone with an extensive practice to take him for less than a year. Recent legislation has greatly diminished the amount of conveyancing done by barristers, but the majority of those at the chancery bar still do some conveyancing as well as their equity work, and if the student be unwilling or unable to devote a whole year to conveyancing alone, and yet wishes to read only with the leading men in the profession, he must be prepared to spend his first year with a conveyancer and equity draftsman, i.e. a barrister with a mixed business of some conveyancing and some chancery work, between which the pupil must divide his time as best he can. Probably this would be the best course which a student going to the common law bar could take, but one who intended practising at the chancery bar would do well, if he could afford the time, to devote a year to conveyancing proper.

It also follows from the above remarks that it is desirable to enter the chambers of a special pleader in preference to those of a common law barrister for the third of these four periods. The former never goes into court, but confines himself to 'chambers,' where, speaking broadly, all the minor contentious points in an action are decided. The actual work is of the same nature as that of a common law barrister, but as the latter is generally difficult to find, being sometimes at Westminster, sometimes in the City, and often altogether away on circuit or sessions, many solicitors prefer to send most of their pleadings to be drawn by a pleader. A pupil of the latter sees, therefore, exactly the class of work with which as a beginner it is desirable he should become acquainted. A pleader is further allowed to charge smaller fees than a barrister, and he thus gets a very large number of small and easy cases. These afford the best of all exercises for an inexperienced pupil, and, further, being rapidly disposed of, enable him to see the whole course of an action from its commencement to its conclusion.

It is nearly certain that a pupil cannot spend the last of these four periods of six months each better than by reading with some barrister who is already practising with success in that branch of the law and those courts in which the student hopes in the future to acquire a practice. By this time he does not require to be able at any time to consult the barrister with whom he is reading, and, should he look forward to practising in court himself, he ought to be now fitted to see how the work is done there; indeed, if industrious and able, he may (if then called to the bar) hold briefs and do work for others, thus acquiring that experience without which all his abilities and knowledge will be of little avail. A common law barrister would do well to choose some one to read with who went his future circuit and sessions, since when away from London such a choice might prove of material assistance to him in gaining him introductions, and in many other ways.

The question is sometimes asked as to how far reading in chambers must or should be supplemented by private reading. Of course the more a barrister knows the better it will be for him; but while it is certain that time spent in chambers can be spent far more profitably than in reading text or other law books, there is a minimum of knowledge without which a pupil will not derive that advantage from reading there which he ought to. The question therefore resolves itself into seeking what is the *least* theoretical knowledge of law which a student should have acquired *before* going into chambers. Too much he cannot have.

Now one of the chief objects in reading with a conveyancer is to get an elementary acquaintance with the principles of the Law of Real Property, of which every lawyer must have some knowledge, and before a pupil is able to fully utilise his time in a conveyancer's chambers he should at least have most carefully read text-books which cover the same ground, as Joshua Williams' *Real Property*, Goodeve's *Personal Property*, Underhill's *Law of Trusts*, Elphinstone's *Introduction to Conveyancing*, and Comyns' *Abstracts of Title*. In specifying these books it is not intended to imply that others on the same subjects would not prove equally good and useful. These are only mentioned as being able books of

their kind and at the same time very clear, and are rather specified for the guidance of any reader who may not have the knowledge to select the best text-books on any subjects mentioned than with any idea of implying that they are the only available works on the subject. A similar remark applies to all the books enumerated below. The student will find in the appendix, pp. 61-63, a list of the more important works here referred to.

The work in the chambers of a chancery barrister and special pleader will show the pupil the more ordinary steps and procedure in actions in the Chancery and Common Law Divisions respectively. To understand the work there given him the pupil should previously have read the Judicature Acts and Rules, and (say) Underhill's *Manual of Chancery Procedure* or Foulkes' *Action at Law*. If possible, he ought also to have read some elementary books on Pleading, on Contracts, and on Torts. Anson on *Contracts* and Pollock on *Torts* are good examples of such works on the last two of these subjects. Although not absolutely necessary, the student would find it a great advantage, either beforehand or in the evenings after leaving chambers, to read Tudor's *Leading Cases in Conveyancing*, White and Tudor's *Leading Cases in Equity*, Pollock's *Principles of Contract*, Smith's *Leading Cases in Common Law*, and Tudor's *Leading Cases in Mercantile Law*, or at any rate selections from them. He ought also before entering the chambers of a barrister with court work to have mastered some work on Evidence, e.g. Stephen's *Digest of the Law of Evidence*.

There is no reason why a student should not continue reading in chambers after he is called, and in fact most do so. A custom, however, has of late years sprung up of pupils spending a certain time in a solicitor's office; and this, if done at all, must by the etiquette of the profession be done *before* call: indeed, it is open to question whether under any circumstances it should be regarded as permissible. If, however, it be done, the best time to choose would probably be after having finished reading with a special pleader, since the student would then have the knowledge requisite to enable him to select those kinds of work acquaintance with which alone will be useful to him in his

after career. Unless for any special reason, it would be better for the student to choose a firm with a moderate business rather than one with a very large connection, since in the former case he would probably see a variety of work, while in the latter he would not unlikely only see the work of some particular department. It is doubtful, however, whether in most cases the knowledge so gained would repay the student for the time spent. There is no doubt that it is an advantage in itself for him to see the work on which he will be subsequently engaged from another point of view—especially from the point of view of a class who can alone, in most cases, be his clients: still, the business of a solicitor is very different from that of a barrister, and it is questionable whether a few months spent with the former is of much real assistance to the latter.

A few remarks on how a pupil may get the greatest advantage from his reading in chambers are, with some hesitation, here added. Some of them are perhaps self-obvious, but none the less they are too frequently neglected in practice.

It is hardly necessary to begin by saying that regularity of hours is essential alike for the pupil's own progress and to convince others that he is in earnest. More important, however, is the remark that a pupil should begin by choosing the more easy pieces of work: he will thus get a better style and a more varied knowledge of law. In all other occupations this is the rule: a musician, for example, does not begin his studies by attempting to play the most difficult piece he can find, but in law some pupils insist on choosing the hardest pieces of work which are open to them. This is certainly a mistake. After a pupil has got a reputation for care and accuracy the barrister with whom he is reading will probably ask him to undertake the more difficult work, and until he is so asked the pupil may generally consider that he is unfit to do it. The pupil, again, should only regard the quality and not the quantity of his work: one piece done well will teach him more than twenty done indifferently. Doubtless no pupil will ever spend as much time and thought over work which he knows will be subsequently corrected by the barrister who is responsible for it as he will over his own (when he gets it); it should, however, be his aim to do it exactly as if it were his own, and to

test its accuracy and validity in every way he can think of. If he acquires the art of doing his work well, however slowly it may be done, the speed requisite for a large practice will come in time.

The pupil will do well to take copies or notes of those conveyances, pleadings, opinions, &c., the forms of which may prove useful to him hereafter. It is not necessary, though it is very common, to copy slavishly every word of the document; all that is wanted is to take such notes and references as will enable the student hereafter to reproduce a similar one. He will never in all probability have a case exactly like it again, and all that is wanted is to have so much of the frame of the document copied as may serve for a model in any analogous case. Perhaps at first a few precedents may be taken in extenso, but subsequently it is a mere waste of time to copy at length that which can be found in any book of common forms (such as covenants for title), or must be peculiar to that case alone (such as certain recitals). The pupil, too, will find it save him no little trouble if he keeps a commonplace book where he notes up every point which he has to determine with the references to the authorities on it. Thus a point once determined need never be looked up again.

The work, remarks, and especially the mistakes of his co-pupils may prove very instructive to the student. After a little practice a glance at the instructions in any case will enable the pupil to form some sort of rough idea as to the manner in which he would have treated it; the corrected draft will show if this were sound, and if so will also show the mistakes made by a fellow-pupil in working out the frame of the draft. The rapid grasp of the essential facts, and clearness and definiteness in explaining them to others, is so necessary to success at the bar that the pupil should get into the habit of stating his cases and the points which arise in them as clearly and succinctly as possible. After he has attained a certain standard he will for similar reasons find it advantageous to give his off-hand opinion and the reasons for it on the cases of his fellow-pupils, and subsequently see or hear how far the authorities justified the opinion he expressed. In fact, the conversation of a good pupil-room is by no means the least effective part of the training got there.

CHAPTER VII.

MISCELLANEOUS POINTS CONNECTED WITH PREPARATION FOR
THE BAR.

THE chief features (necessary or usual) of a barrister's training have now been discussed. It only remains to deal with one or two subsidiary points, and to consider the order in which the elements of that training are best taken.

The method used in preparing for the bar depends mainly on the considerations which determine the best ages for admission and call. Here several reasons lead to the conclusion that, under the scheme of education which is at present usual, it is not desirable to postpone entry after twenty-three, or to be called to the bar before that age.

In order to fix a superior limit for the age for admission, it may, in the first place, be observed that, since the majority of barristers do not begin to get into business before thirty, and since if they have then been called some three or four years they will have all the standing at the bar which is necessary, no great advantage is gained by being called before twenty-six. This, therefore, allowing about four years from admission to call (which is about the usual time taken), would determine twenty-three or twenty-four as the latest age at which it is expedient to enter. The same conclusion is reached by considering the case of those who intend competing for honours or studentships, for, although the Council has not fixed any disqualifying age for these, it is well known that most men do not do examination work so well after twenty-six as before it. Perhaps a still better reason for saying that it is not desirable to enter later than this is to be found in the fact that some of the Inns, by their regulations, fix a maximum age for those students who may compete for their scholarships, and would thus appear to intimate that in

their opinion twenty-one or twenty-two is about the best and twenty-three about the latest desirable age for admission. Such, too, is the common-sense conclusion on this point, for it is generally admitted that after twenty-four or twenty-five it is difficult for anyone to turn his attention to or thoroughly master the details of any new occupation.

It seems, therefore, undesirable to postpone admission until after twenty-four. On the other hand, no one could, except under very special circumstances, be recommended to be called before twenty-three or twenty-four. The extra time in the profession gained by an earlier call would be worth very little, for although it is true that a barrister may claim precedence over those called subsequently to himself, yet this shadowy advantage is more than counterbalanced by the possibility of getting work before he is able to do himself justice.

Those students who go to the University of London, or who begin to read law on leaving school, will probably enter at an Inn when they commence their studies in order to have the use of the law libraries, lectures, &c., *unless* they intend to compete for studentships, in which latter case they will naturally postpone admission until a more advanced age. The majority of barristers, however, come from Oxford or Cambridge, and so long as a degree is not usually taken there before twenty or after twenty-two, the best age for admission will probably continue as at present to be between twenty and twenty-three.

An opinion has been already expressed incidentally that a barrister will generally find it more for his interest to go to Oxford or Cambridge than to spend the corresponding time in London reading law; he requires a broad as well as a technical education, and valuable as a university education is in itself to everyone, to no one is it more so than to a barrister. Like every training it must to a certain extent be one-sided, but no better corrective to the faults or deficiencies of an education at Oxford or Cambridge can be found than a legal training in London; on the other hand, not the least advantage of the bar over other occupations is the fact that it is possible for anyone who intends practising at it to have a university training without being seriously thrown back in his profession.

To the average university man his training and life at college will in any case be useful at the bar, but there is no reason why he should not add to this advantage and there lay the foundation of a sound legal knowledge. He will thus have acquired a good theoretical grounding that will prove of infinite value to him when he comes to London,¹ and enable him, undistracted by other reading, to get the greatest benefit possible out of his work in chambers. He who is reading for high honours no doubt will not have time to study law at the university as well, but the distinctions there gained will probably ultimately prove of no slight advantage to him at the bar, apart from the mental training thus given him. At first, it is true, no one will pay any attention to these distinctions, nor will they in any way serve as a passport to professional reputation; but when the reputation has been otherwise attained, then they will be remembered in his favour and looked upon as further assurance of his abilities and future success. This is, no doubt, true in most occupations, but, owing to the fact that a barrister rarely gets into practice before thirty, he has sufficient time to prepare himself for it after leaving the university, and is not, as in many pursuits, seriously handicapped at starting by having spent three or four years at Oxford or Cambridge when he ought to have been learning the details of his future business.

There is no reason why an average university man who has no intention of competing for a studentship should not enter as a student at an Inn of Court while still an undergraduate, say about a year and a half before his degree. He could then pass his Roman Law before coming to London, for which he would have ample time without interfering with his other studies. A few months after his degree he would be ready for the second part of the bar examination. Having thus got an elementary acquaintance with law, he could then devote himself uninterruptedly to reading in chambers and other preparations for practice. There is indeed no objection to a student's preparing for the examination in the evenings simultaneously with reading in chambers during the daytime, but, as the subjects for the former mark out roughly what must be

¹ See the evidence of the late Lord Cairns in the report of the Inns of Court Commission, 1854, p. 132.

known before any benefit can be derived from the latter, it is desirable to get it over as soon as possible, and thus be able to give an undivided attention to work in chambers.

It has been already stated that such a student ought not to find much difficulty in preparing himself for the bar examination; and as a mere matter of mental discipline it is better for him to master the difficulties of it by himself rather than with the aid of others. If, however, in order to save time or for any other reason he does require assistance, the best plan for him to adopt would be to go into the chambers of some barrister, either some personal friend or one who had not been called very long and had not much practice: there he could spend the day reading text-books, and would get whatever help he might require at least as well as from a cram coach. He would also thus get into a legal atmosphere; he would there be able to handle law papers and see a little actual work, and would not feel himself so utterly helpless on first entering the chambers of a conveyancer. Such a plan would probably save him both time and trouble subsequently.

A student of this kind, typical of many who choose the bar as their profession, would not generally be qualified to be called until after he had been in the chambers of a special pleader. The various steps in his career, therefore, would be taken in the following order: admission as a student at age of (say) twenty and a half years, examination in Roman Law at age of twenty-one and a half years, degree at Oxford or Cambridge at age of twenty-two years, reading by himself or in the chambers of some friend or barrister recently called for six months, bar examination at age of twenty-two and a half years, reading in the chambers of a conveyancer and equity draftsman for a year, from the age of twenty-two and a half to twenty-three and a half, reading in the chambers of a special pleader from twenty-three and a half to twenty-four, call to the bar, six months or more with a barrister in full practice. It is believed that a course such as this may be taken as one of the best that can be planned for a student of this kind, and one which can be modified or adapted as circumstances require.

He who intends competing for a studentship or honours has, it is hoped, obtained from the preceding pages the infor-

mation necessary to enable him to judge for himself when he should begin his law studies and how he should commence his reading. Such an one, if reading for the highest honours at Oxford or Cambridge, or otherwise fully engaged, will probably be wise to defer entering an Inn of Court until he has shaken himself free from university or other requirements; that is, at least, if it will not defer his entry until he is past twenty-four years of age. But on this and all similar points, if he once knows the requirements made of him, he is the best judge how to meet them.

He, too, who prefers to spend the time which would be occupied by a university career in reading law in London, or in any other way, can himself best modify the plan here given so as to adapt it to his own case.

There are only two or three other points connected with the subject of this chapter to which it is deemed necessary to allude. None of them can be properly treated in a work like this; but questions are often asked about them, and it is therefore thought better to mention them briefly rather than pass them over in silence.

On the question of private reading it is quite impossible to lay down any general rules. All knowledge will prove useful at the bar, but a work like this can only deal with the least that is fairly needed. The student should as soon as possible get into the habit of reading the current law reports, and this, coupled with the course of reading given above, forms probably the 'irreducible minimum' without which no one ought to commence to practise. The reader who wants to prepare himself as far as possible before coming to London could not do wrong in taking the books mentioned above in Chapters III. and VI. in the order there given. His object is rather to get an acquaintance with the principles of law than with the details of any part of it: he should therefore carefully avoid old works and reports, and should in preference confine himself to modern text-books until he has acquired the knowledge to select what is still useful and instructive from the older books.

It must always be remembered that law is so extensive a subject that it is impossible to know it all thoroughly. The art of a good lawyer consists rather in knowing where to turn

for authorities on each difficult point which comes before him than in trying to recollect the exact law on the subject. To facilitate this acquaintance with leading cases, text-books, and other authorities likely to give the required information, the student cannot too soon acquire the habit of noting up his books with cross references.

Everyone must judge for himself as to how far attendance at lectures is useful. Generally an able man will read and learn far more in an hour by himself than in the same time spent in a lecture-room, where the subject matter must be adapted to the comprehension of the average student; and this, judging by the attendance, seems to be the conclusion of most students. Indeed, some have asserted that the system of prizes instituted by the Council in connection with the lectures given under their authority was established to induce a better class of men to attend the lectures than could otherwise be induced to go.

Almost the only essential for a sessions practice, and one chief element of success for everyone, is the art of speaking. It is very difficult to say how it is best cultivated; but the balance of opinion is that practice at debating societies will prove very useful to a law student, provided only that he will recollect that in a Court of Justice, although warmth is often desirable, yet all declamation and florid oratory are not only misplaced but are often prejudicial. There his aim, whether addressing a judge or jury, is to convince, not to score points off his antagonist. A barrister's only object is to make his statement of facts and his arguments quite clear and plain, and the best oratory at the bar might be not inaccurately described by the expression 'quiet earnestness.' If the student will only remember this, constant practice at debating societies may prove invaluable to him, as giving him facility, clearness of expression, readiness, and self-command.

Besides the ordinary debating societies there are numerous law societies in and near the Inns of Court where questions of law are discussed; and, recently, 'moots' have been re-established in Gray's Inn hall, open to all students for the bar. Two or three centuries ago it was customary after dinner in hall to elect a benchler or barrister of considerable experience into the chair, and while he sat there as judge to conduct

mock trials before him. These were called moots, and this old custom has been now partially revived. The moots at Gray's Inn take place about once a month, and the subjects are published in advance and put in the libraries of the different Inns. After counsel for plaintiff and defendant have addressed the court, it is open to anyone as *amicus curiæ* to rise and explain the law on the subject, and finally the gentleman in the chair delivers judgment. In theory this ought to prove an admirable training, but in practice it is too palpably unreal to be of much value.

CHAPTER VIII.

THE COST OF A BARRISTER'S EDUCATION.

THE most important questions to many in choosing an occupation are what it will cost and how soon a return may be looked for from it. Both (but especially the latter) depend in the case of the bar on so many circumstances that they cannot be answered with any certainty; still it is possible to give materials for the formation of approximate answers to them, and to that object this chapter is devoted.

The expenses attendant on an education for the bar are of two kinds; namely, those in strict connection with the profession itself, and those concerned with the general cost of living of the student. The totals of both kinds admit of considerable latitude, and what follows must be regarded as approximate rather than accurate.

Those expenses connected with the profession itself will be first considered. They consist of entrance fees of about £40; of about £25 for dinners, dues, &c.; and of call fees and other miscellaneous charges amounting approximately to £100. To these must be added a sum of (at least) two hundred guineas for reading in chambers, about £40 or £50 for law books, and nearly £12 for a wig and gown. Allowing a sum of £20 for contingencies and as a margin, this makes the total necessary cost of the education come to about £450.

In the case of students who are anxious to be called as soon as possible this is spread over three years, giving an average expenditure of £150 a year. But if, as is more usual, four years be spent between admission and call, this would give an average expenditure of about £112 a year; the cost of the first year being rather less, and of the last year rather more, than the average.

After the barrister is called the expense of his chambers, clerk, laundress, &c., will (unless shared with some other man) be at Lincoln's Inn from £60 per annum upwards, and at the Temple from £40 upwards. To this at least £15 a year for the purchase of law books ought to be added.

The expenses of circuit and sessions vary considerably, but perhaps on an average they may be put down as from £80 to £100 a year. In the case of a chancery barrister this is entirely an optional expenditure. Formerly members of the chancery bar never went circuit or sessions; but it is a most valuable training, and a custom has of late arisen of such men going for a year or two after call, before their practice in London occupies all their time. It should, however, be observed that, although circuit and sessions may be both pleasant and instructive, they are not likely for many years to prove lucrative.

The general cost of living in London is very much what the student or barrister pleases; and the reader will probably be able to judge for himself what it ought to amount to in any particular case. Perhaps for a man who lived forty weeks in London, as economically as would fairly be consistent with his position as a gentleman and a member of a learned profession, £150 a year would be the minimum on which he could do it with any pretence to comfort; probably the average student at the bar spends about £200 a year; and an allowance of £250 a year would enable a bachelor to live very comfortably in London, but at the same time would not enable him to indulge in any extravagances.

Such being the cost of his education, how long will it be before the barrister is able to rely on his professional income to maintain himself? This is a question that admits of no definite answer; but it may fairly be said that even an industrious, able, and thoroughly competent man has no right to expect to earn an income sufficient to live on until the expiration of six or seven years from call. Many have had to wait more than twice as long; some have got into a practice at once.

Perhaps a fair way of summing up the question would be to put the *least* possible expenditure of a student or barrister at £800 a year; and to lay down the rule that anyone who

chose the bar as his profession ought to be able to see his way to secure that income for at least ten years from admission. This at 4 per cent. represents a capital sum of £2,488 ; and a capital of £2,400 may therefore be regarded as the least sum on which anyone ought to venture to go to the bar, and in the opinion of many it would be rather a low estimate than otherwise. This, too, is, of course, independent of the total cost of the earlier education of the student, which might perhaps in an average case be represented by a capital sum of £2,000. This latter sum would have to be spent to whatever occupation the student might turn his attention, and stands therefore on a different footing to the cost of a legal education proper.

APPENDIX.

On the following pages is a list of most of the text-books mentioned in this work ; see pp. 26, 27, 47, and 48. This course of reading (omitting the works on Roman Law, which are referred to solely for the purposes of the bar examination) is designed, as stated above, to give the reader a general acquaintance with the nature and fundamental principles of English Law, and is not intended to make him acquainted with the details or more recondite portions of any particular branch. The former is alone the object of this book : the latter is the province of other works. These books will generally be found to supply references to more elaborate works on any particular point which may arise, and it should be remembered that the knowledge of where to look for authorities on any case is often of more importance than the knowledge of the law itself. Others might be mentioned which cover the same ground, and would prove equally useful to the student (see page 47). Those of them which are distinguished by an asterisk (*) only present from a different point of view the information contained in the others, and may, therefore, be omitted if the student think it desirable.

It should be noticed that the price given in any case is that at which it is published, and that a discount of 20 per cent. can be obtained for cash.

Name of Book	Author	Publisher	Published Price
The Institutes of Justinian	T. C. Sandars	Longmans	£. s. d. 0 18 0
Introduction to Roman Law	W. A. Hunter	Maxwell	0 7 6
Modern Law of Real Property	L. A. Goodeve	Maxwell	1 1 0
Principles of the Law of Real Property	Joshua Williams	Sweet	1 1 0
Modern Law of Personal Property	L. A. Goodeve	Maxwell	1 1 0
Principles of Equity	E. H. T. Snell	Stevens and Haynes	1 5 0
Manual of Equity Jurisprudence	J. W. Smith	Stevens	0 12 6
Principles of the Common Law	J. Indermaur	Stevens and Haynes	1 0 0
Manual of Common Law	J. W. Smith	Stevens	0 14 0
Introduction to Conveyancing	H. W. Elphinstone	Maxwell	0 14 0
Law of Trusts	A. Underhill	Butterworths	0 12 6
Judicature Acts and Rules, and decided cases on them	—	—	—
Manual of Chancery Procedure	A. Underhill	Butterworths	0 10 6
Proceedings in an Action at Law.	W. D. J. Foulkes	Stevens	0 7 6
Principles of the English Law of Contract	W. R. Anson	Clarendon Press	0 10 6
The Law of Torts	F. Pollock	Stevens	1 1 0
Digest of the Law of Evidence	J. F. Stephen	Macmillan	0 6 0

The following works are not perhaps so absolutely necessary for the student to have read before he is ready to be called, but it is desirable that he should if possible read them:—

Name of Book	Author or Editor.	Publisher	Published price
*The Law of Real Property	H. W. Challis	Reeves and Turner	2. 4. 4.
*Compendium of the Law of Real and Personal Property	J. W. Smith	Stevens	0 15 0
*Outlines of Equity	F. O. Haynes	Maxwell	2 2 0
*Principles of Contract	F. Pollock	Stevens	0 14 0
Blackstone's Commentaries on the Laws of England	Stephen	Butterworths	1 8 0
Leading Cases on Real Property	O. D. Tudor	Butterworths	4 4 0
Leading Cases in Equity	White and Tudor	Maxwell	2 12 6
Leading Cases in Common Law	W. S. Shirley	Stevens	4 4 0
Smith's Leading Cases in Common Law	—	Maxwell	0 16 0
Leading Cases on Mercantile and Maritime Law	O. D. Tudor	Maxwell	3 15 0
Law Reports and Statutes for each year	—	—	2 12 6
			4 4 0

Most of the above works deal with the theory rather than with the practice of law; and they will have to be supplemented by practical books in the department of law to which it is intended to devote special attention; for example, for Conveyancing, some work such as Dart's *Vendors and Purchasers*, together with some book of common forms such as Davidson's *Conveyancing Precedents*, and perhaps the first volume of his larger work would be necessarily required; for the procedure and practice of the Chancery Division, some work such as Daniell's *Chancery Practice* and Daniell's *Forms*; for Common Law pleadings, some work like Bullen and Leake's *Pleadings*; for business at circuit and sessions, Archbold's *Criminal Pleading*; and similarly in other departments of law.

PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
LONDON

